



Docket No.: 216196US30RE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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RE: Application Serial No.: 09/994,059

Applicants: Jacques QUELLAIS, et al.

Filing Date: November 27, 2001

For: MULTILAYER SOLE FOR SPORT SHOES

Group Art Unit: 3728

Examiner: PATTERSON, M.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 C.F.R. 1.121

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 216196US30RE

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

JACQUES QUELLAIS, ET AL.

SERIAL NO: 09/994,059

FILED: NOVEMBER 27, 2001

FOR: MULTILAYER SOLE FOR SPORT
SHOES

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: EXAMINER: PATTERSON, M.

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: GROUP ART UNIT: 3728

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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

UNDER 37 C.F.R. 1.121

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

An amendment responsive to a final rejection in the above-referenced reissue patent application was filed on February 9, 2004. An Advisory Action issued on February 25, 2004, after which an RCE was filed on March 8, 2004. On June 7, 2004, a Notice of Non-Compliant amendment under 37 C.F.R. §1.121 issued, indicating that the amendment of February 9, 2004 was not compliant with 37 C.F.R. §1.121 because a complete listing of all of the claims was not present in the amendment.

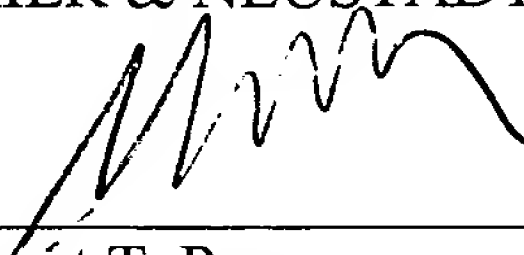
In response, Applicants note that amendments in the present reissue application are governed by 37 C.F.R. §1.173(b)(2), and not 37 C.F.R. §1.121 (see 37 C.F.R. §1.121(h)). 37 C.F.R. §1.173 does not require a complete listing of all of the claims, only the text of each claim being amended or added. The Notice of Non-Compliant amendment under 37 C.F.R.

Application No. 09/994,059
Reply to Office Action of June 7, 2004

§1.121 is therefore believed to have been improperly issued, and so its withdrawal is respectfully solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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